

IC 16-42-5.2

Chapter 5.2. Food Handlers

IC 16-42-5.2-1

Local regulation precluded

Sec. 1. Except as provided in this chapter, a corporation or local health department may not impose any registration, certification, or licensing requirements on food handling or food handlers.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-2

Exempt food establishments

Sec. 2. This chapter does not apply to a food establishment when the food establishment's food handling activities are limited solely to one (1) or more of the following:

- (1) Heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza.
- (2) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.
- (3) Preparing or serving nonalcoholic or alcoholic beverages or ice.
- (4) Grinding coffee beans.
- (5) Packaging foods that are not potentially hazardous foods in accordance with rules adopted by the executive board.
- (6) Heating when it is the only preparation step for a bakery product.
- (7) Providing prepackaged food in its original package.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-3

Exempt institutions

Sec. 3. This chapter does not apply to the following:

- (1) Hospitals licensed under IC 16-21.
- (2) Health facilities licensed under IC 16-28.
- (3) Housing with services establishments that are required to file disclosure statements under IC 12-10-15.
- (4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.
- (5) Community mental health centers (as defined in IC 12-7-2-38).
- (6) Private mental health institutions licensed under IC 12-25.

As added by P.L.266-2001, SEC.16. Amended by P.L.104-2003, SEC.9; P.L.97-2004, SEC.71.

IC 16-42-5.2-4

"Certified food handler" defined

Sec. 4. As used in this chapter, "certified food handler" means a food handler who holds a certificate described in section 7 of this chapter.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-5**"Food handler" defined**

Sec. 5. As used in this chapter, "food handler" means an individual who:

- (1) is an owner, an operator, a manager, or an employee of a food establishment; and
- (2) is responsible for or oversees the storage, preparation, display, or serving of food to the public.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-6**Certified food handler requirement**

Sec. 6. After December 31, 2004, at least one (1) food handler at a food establishment must be a certified food handler.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-7**Food borne illness prevention training requirement**

Sec. 7. A food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the state department of health meets the food borne illness prevention training requirements established by the state department of health.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-8**Presence of certified food handler**

Sec. 8. After December 31, 2004, a food establishment must have at least one (1) certified food handler responsible for all periods of the food establishment's operation. However, a certified food handler need not be present at the food establishment during all hours of operation.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-9**Time requirements; food establishment beginning operation or changing ownership**

Sec. 9. After December 31, 2004, a food establishment that begins operation or changes ownership shall comply with section 6 of this chapter not later than six (6) months after beginning operation or changing ownership.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-10**Time requirements; certified food handler terminating employment**

Sec. 10. After December 31, 2004, if a food establishment does not have a certified food handler because a certified food handler terminates employment with the food establishment, the owner or operator of the food establishment shall comply with section 6 of this

chapter not later than three (3) months after the termination date of the previous certified food handler.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-11

Multiple food establishments on same property

Sec. 11. After December 31, 2004, if more than one (1) food establishment operated by the same individual is located on the same property or on contiguous properties, only one (1) certified food handler is required for the food establishments.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-12

Penalties

Sec. 12. After December 31, 2004, an individual who violates any of the provisions of this chapter is subject to the penalties prescribed by the executive board under section 13 of this chapter.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-13

Adoption of rules

Sec. 13. Not later than December 31, 2003, the executive board shall adopt rules under IC 4-22-2 establishing standards for:

- (1) the administration of this chapter; and
- (2) the imposition of penalties for violations of this chapter.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-14

Local licensing authority not limited

Sec. 14. This chapter does not limit the authority of a corporation or local health department to license retail food establishments.

As added by P.L.266-2001, SEC.16.

IC 16-42-5.2-15

Local enforcement

Sec. 15. A corporation or local health department may, upon application to and approval of the state department, enforce the provisions of this chapter.

As added by P.L.266-2001, SEC.16.